



— Montana Office of Public Instruction

Linda McCulloch
State Superintendent

Celia Sims
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

July 1, 2004

Dear Celia:

The proposed amendments to the Montana Accountability Workbook are attached to this e-mail message. During the time the U.S. Department of Education works to approve our request, I will continue to gather input and support from Montana educational constituents for the preliminary proposed amendments.

If you have questions about the proposal, please do not hesitate to contact Nancy Coopersmith, e-mail at ncoopersmith@state.mt.us, or BJ Granbery, e-mail at bgranbery@state.mt.us.

Thank you for your assistance as we continue to work together to support the education of Montana students.

Sincerely,

A handwritten signature in cursive script that reads "Linda McCulloch".

Linda McCulloch
State Superintendent

STATE OF MONTANA

**PRELIMINARY PROPOSED AYP WORKBOOK REVISIONS AND RATIONALE
FOR 2003-04**

The table below presents the State of Montana Office of Public Instruction's (OPI's) preliminary list of proposed revisions to its AYP Workbook for the 2003-04 school year. Each proposed revision is intended to meaningfully improve the validity and reliability of Montana's AYP determinations, acting within the full range of flexibility afforded under the No Child Left Behind Act. Because of the unique education context in Montana, including the large number of small schools and districts (in which there are only a small number of test scores each year), these proposed revisions are central to ensuring that OPI has in place an accountability system that can lead to the most accurate determinations regarding the performance of Montana's schools and districts, and allow educational interventions (i.e., rewards and consequences) to be targeted appropriately.

With the approval of the U.S. Department of Education (USED), OPI will incorporate the revisions described below into Montana's AYP Workbook and make other purely technical changes, such as updating the Workbook to reflect the administration this year of Montana's new state assessments in reading and math (including a new alternate assessment aligned with alternate achievement standards for use with regard to students with the most significant cognitive disabilities), which will be the primary factors in this year's AYP determinations. Finally, per our USED compliance agreement, Montana is also moving forward to (1) participate in USED peer review of Montana's new state assessment system, (2) set standards for "basic," "proficient," and "advanced" performance on the new state assessments, (3) set AYP starting points and annual measurable objectives based on the new state assessments, and (4) make AYP determinations prior to the beginning of the second semester of the 2004-05 school year.

Issue	Section	Proposed Revision and Rationale
1. Minimum Number for Accountability	5.5	<ul style="list-style-type: none">▪ Revision: Montana proposes to use a minimum number of 40 in making AYP determinations for subgroups, schools, and districts – including with regard to both participation rate and percent proficient in reading and math. Moreover, in those limited cases where a subgroup of 40 or more students does not constitute 15% of enrollment in the grade(s) tested, the minimum number for that subgroup will be 70.▪ Rationale: The use of a minimum number of 40 is intended to ensure the most valid and reliable AYP determinations possible while maintaining meaningful subgroup, school, and district accountability. For example, a minimum number less than 40 would mean that the absence of one or two students from the state assessments could alone cause a school to miss AYP, and that determinations regarding student achievement for the entire school would be based on less than 40 data points from the new state assessment system. The

Issue	Section	Proposed Revision and Rationale
		<p>additional requirement that the minimum number of 40 applies where the given subgroup constitutes at least 15% of enrollment in the grade(s) tested, and if not that the minimum number is 70, affects a small number of schools in Montana, but is important to ensure fairness in AYP determinations for larger schools and districts, so that they are not held independently accountable based on a small number of students relative to overall enrollment. Finally, while only a minority of Montana schools will be included in the standard AYP methodology with a minimum number of 40, the same is true at lower minimum numbers (such as 30) because many schools in Montana have very small enrollments, and the schools with more than 40 students enrolled in tested grades actually include the vast majority of students in the state. Schools that are not included in the standard AYP methodology will all receive AYP determinations based on the process described below for small schools (which will include a focus on subgroup accountability).</p>
2. Use of Confidence Intervals	4.1 9.1	<ul style="list-style-type: none"> ▪ Revision: <i>Montana proposes to use a 95% confidence interval in determining AYP, only with regard to the determination of percent proficient in reading and math (and not with regard to either participation rate or the other academic indicators). Moreover, Montana proposes to use a limited, smaller, 75% confidence interval for “safe harbor” determinations, only where the given subgroup, school, or district has shown positive progress in reducing from the prior year the percentage of students scoring below proficiency (and the only question is whether that progress constitutes a 10% reduction).</i> ▪ Rationale: The use of a 95% confidence interval is intended to improve the validity and reliability of AYP determinations by reducing the risk of falsely identifying, based on measurement/sampling error, schools or districts as having not met AYP. The additional, limited use of a smaller, 75% confidence interval with regard to “safe harbor” determinations is particularly important in Montana, where “safe harbor” determinations are generally based on measurement of a small change in a small number of students over a small amount of time (where just one or two students can often make the difference between being above or below 10% progress). Finally, to ensure that “safe harbor” is meaningful as a measure of progress, Montana will require that a subgroup, school, or district have shown positive progress in absolute terms before any confidence interval will be permissible. In sum, the proposed use of confidence intervals can help avoid false negative AYP determinations, which can mislabel schools, wrongly target limited resources, and undercut public support for accountability.

Issue	Section	Proposed Revision and Rationale
3. AYP for Small Schools	1.1 4.1 9.1	<ul style="list-style-type: none"> ▪ Revision: Montana will make AYP determinations for all public schools and districts based primarily on state assessment data. Montana proposes to make AYP determinations for small schools where the total number of test scores is below the minimum number of 40 based on a tiered process, using the state assessment/AYP data for each school and district along with a broader, qualitative review of school and subgroup performance data and other information related to student achievement where necessary to ensure the most valid and reliable AYP determinations. ▪ Rationale: Montana's use of a quantitative and qualitative review process to make AYP determinations for small schools is intended to fully value state assessment data, promote consistency in AYP determinations across the state, and ensure the most valid and reliable accountability determinations for small schools by examining additional relevant data. This small school review process will affect a minority of students in the state, but will include a majority of schools. Furthermore, Montana will include subgroup performance in the small schools process, to fully value subgroup accountability. Finally, the small school review process has the benefit of promoting professional development with regard to data-driven decisionmaking, and can inform the continuous improvement plans of small schools.
4. USED Flexibility regarding Students with Disabilities, Limited English Proficient Students, and Participation Rate	5.3 5.4 10.1	<ul style="list-style-type: none"> ▪ Revision: Montana intends to take advantage of the flexibility recently announced by USED, including the following: <ol style="list-style-type: none"> 1. Montana will utilize the recent USED regulations permitting the proficiency scores of students with the most significant cognitive disabilities to be included in AYP based on alternate assessments aligned with alternate achievement standards (up to a 1% cap, with USED exception). 2. Montana will include test scores of LEP students in their first year in U.S. schools in participation rate but not proficiency for AYP (including test scores in English proficiency or reading content, and on math content), and Montana will permit the inclusion of test scores of LEP students in the LEP subgroup for AYP for up to two years beyond their transition from LEP status. 3. Montana will allow 95% participation rate to be calculated based on averaged data and will permit exceptions regarding student participation in limited cases of medical emergency, which may be raised by schools or districts on appeal of AYP determinations.